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Fax Transmission | August 13, 2004

TO: Commissioner for Patents  
Attn: Examiner Karen C. Carlson  
P.O. Box 1450  
Alexandria, VA 22313-1450

FROM: Katherine M. Kowalchyk

OUR REF: 11613.12US11  
TELEPHONE: 612.371.5311

Total pages, including cover letter: 43

PTO FAX NUMBER 1-703.872.9306

If you do NOT receive all of the pages, please telephone us at 612.371.5204, or fax us at 612.332.9081.

Title of Document Transmitted: AMENDMENT UNDER 37 C.F.R. 1.116 WITH ATTACHED EXHIBITS A AND B, TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION, AND PETITION FOR EXTENSION OF TIME

Applicant: YOSHIMURA ET AL.  
Serial No.: 07/330,446  
Filed: MARCH 30, 1989  
Group Art Unit: 1653  
Our Ref. No.: 11613.12US11  
Confirmation No. 4539

## CLAIMS AS AMENDED

| Claims Remaining After Amendment |   | Highest Number Previously Paid For |   | Present Extra |   | Rate  |   | Fee      |
|----------------------------------|---|------------------------------------|---|---------------|---|-------|---|----------|
| Total Claims                     |   |                                    |   |               |   |       |   |          |
| 16                               | - | 20                                 | = | 0             | x | 18.00 | = | \$0.00   |
| Independent Claims               |   |                                    |   |               |   |       |   |          |
| 6                                | - | 4                                  | = | 2             | x | 86.00 | = | \$172.00 |
| TOTAL FILING FEE                 |   |                                    |   |               |   |       |   | \$172.00 |

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Please charge Deposit Account No. 13-2725 in the amount of \$950.00 for 3-month extension of time fee, \$172.00 for excess claim fees and \$110.00 for terminal disclaimer fee. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

By: Katherine M. Kowalchuk  
Name: Katherine M. Kowalchuk  
Reg. No.: 36,848

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Sheryl A. Boerboom

Sheryl A. Boerboom  
Signature

August 13, 2004  
Date

AUG 13 2004

**RESPONSE UNDER 37 C.F.R. 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP**

OFFICIAL

S/N 07/330,446

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                   |   |                 |                   |
|-------------------|---|-----------------|-------------------|
| Applicant:        | Yoshimura, et al.   | Examiner:       | Carlson, Karen C. |
| Serial No.:       | 07/330,446  | Group Art Unit: | 1653              |
| Filed:            | March 30, 1989  | Docket No.:     | 11613.0012USII    |
| Confirmation No.: | 4539  | Customer No.:   | 23552             |
| Title:            | HUMAN DERIVED MONOCYTE ATTRACTING PURIFIED<br>PROTEIN PRODUCT USEFUL IN A METHOD OF TREATING<br>INFECTION AND NEOPLASMS IN A HUMAN BODY, AND THE<br>CLONING OF FULL LENGTH CDNA THEREOF |                 |                   |

CERTIFICATE UNDER 37 CFR 1.6(d):

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on August 13, 2004.

By:

Name: Sheryl A. Boerboom

AMENDMENT UNDER 37 C.F.R. § 1.116

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is a response to the outstanding Office Action mailed on March 8, 2004.

**Amendments to the Claims** are reflected in the listing of claims that begins on page 2 of this paper.

**Remarks** begin on page 9 of this paper.